IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No.937 of 1998(A)

CRL.A.NO.105/1997 OF THE COURT OF I ADDITIONAL SESSIONS JUDGE, THRISSUR.

C.C.NO.280/1991 OF THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, THRISSUR.

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REVISION PETITIONER/APPELLANT/1ST ACCUSED:-

RAFFI, S/O.PEREPPADAN THOMAKUTTY,
RESIDING AT THIRVANATHU VAZHI,
AYYANTHOLE VILLAGE.

BY ADV. SRI.P.K.ASHOKAN

RESPONDENT/RESPONDENT/COMPLAINANT:-

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K.Bali,C.J.

Crl.R.P.No.937 of 1998-A

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J. (Oral)

The petitioner was tried, along with his co-accused Unnikuttan and Shaji, for an offence under Section 394 read with Section 34 of Indian Penal Code. They were convicted and sentenced to undergo rigorous imprisonment for three years, as would be clear from the order dated 31st March, 1997 passed by the Chief Judicial Magistrate, Thrissur. In appeal, whereas the conviction and sentence against the petitioner (A1) and Unnikuttan (A2) were confirmed, Shaji (A3) was acquitted, as would be clear from the order dated 7th November, 1998 passed by the Sessions Judge, Thrissur. It is against these two orders that the present revision has been filed by the 1st accused.

2. Briefly put, the petitioner and his co-accused were tried on the allegation that on 25.10.1990 in the evening under the pretext of a trip to Thrissur, they hired an autorickshaw and on the way A1 caught hold of autorickshaw driver's neck from back seat squeezing his neck pressing to the driver's seat and A2 snatched a gold chain weighing 1.5 sovereigns worn by him and A3 took out currency notes of Rs.65/- and two electricity cards from his pocket. The petitioners and the co-accused thereafter pushed him down on road and sped away in the autorickshaw towards Poonkunnam direction.

3. Without joining issues on the merits of the case, the learned counsel for the petitioner states that the occurrence pertains to the year 1990 and in the manner aforesaid, the petitioner has already suffered a protracted trial spanned over a period of more than 16 years and, therefore, a lenient view may be taken in the matter of sentence and be let off on payment of fine.

4. The occurrence had taken place as mentioned above in 1990 and in the manner aforesaid, a period of sixteen years have gone by, during which time, petitioner

has indeed suffered a protracted trial. Considering the totality of facts and circumstances of the case, while upholding the conviction, the sentence imposed is reduced to rigorous imprisonment for 1½ (one and a half) years.

The Criminal Revision Petition is disposed of as indicated above.

V.K.Bali
Chief Justice

vku/-